

Welcome Resolution

S. R. No. 266, By Senator Kazen for Senator Gonzalez: Extending welcome to Senior Class of Somerset High School of San Antonio and teacher.

Adjournment

On motion of Senator Hardeman the Senate at 4:35 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

FORTY-THIRD DAY

(Wednesday, March 29, 1961)

The Senate met at 10:30 o'clock a.m. pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, we would lift up our eyes to the cross of Calvary. Grant that we may see the awfulness of our sins; the matchless love of God; and the suffering Saviour who was wounded for our transgressions, and by His stripes we are healed. Make us willing to suffer for Thy sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 29, 1961.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 39, Declaring that all state offices be closed on the afternoon of Good Friday, March 31, 1961.

S. C. R. No. 32, Inviting Vice President Lyndon B. Johnson to address a Joint Session. (With amendments.)

S. C. R. No. 38, Inviting our Senior Senator, the Honorable Ralph Yarborough, to address a Joint Session, on April 6, 1961. (With amendments.)

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 203.

House has appointed the following Conferees: Springer, Chairman, Cotten, Osborn, Townsend and Wilson of Potter.

H. B. No. 334, A bill to be entitled "An Act providing additional revenue for the support of the state government; amending Article 9.25 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, relating to the allocation of motor fuel (gasoline) tax; repealing Section (9) of Article 7.08 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, relating to a tax on cigarettes; amending Section (g) of Article 20.01 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, relating to the definition of "phonographs"; amending Section (i) of Article 20.01 of Title 122A, Revised Civil Statutes of Texas, as enacted by the Fifty-sixth Legislature, Third Called Session, 1959, Chapter 1, Section 1, relating to air conditioners and component parts used in the assembly and installation of air conditioners; providing a savings clause; providing a severability clause; re-

pealing laws in conflict; declaring an emergency; and providing for an effective date."

S. B. No. 190, A bill to be entitled "An Act validating the annexation and extension of boundaries of all cities and towns of 5,000 inhabitants or less where annexation is by petition of owners of land annexed; validating the area and boundaries thereof; providing that this Act shall not apply to cities and towns involved in litigation questioning the incorporation or extension of boundaries or any of the acts or proceeding validated hereby if such litigation is ultimately decided against the legality thereof; providing a severability clause and declaring an emergency."

S. B. No. 215, A bill to be entitled "An Act amending Chapter 26, Acts of the 55th Legislature, First Called Session, 1957, so as to specifically provide that the Hondo Creek Watershed Improvement District may call an election for the authorization of a tax for maintenance purposes; validating actions and proceedings relating to a maintenance tax and bond election heretofore held within said District; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committee

Senator Parkhouse submitted the following reports:

Austin, Texas
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 339, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 340, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 406, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 414, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed, as amended.

PARKHOUSE, Chairman.

Austin, Texas
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 415, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senate Bill 421 on First Reading

Senator Moore moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Gonzalez
Baker	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Hudson
Crump	Kazen
Dies	Krueger
Fuller	Lane

Martin	Roberts
Moffett	Rogers
Moore	Schwartz
Parkhouse	Secrest
Patman	Smith
Ratliff	Weinert
Reagan	Willis

Absent

Owen

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Moore:

S. B. No. 421, A bill to be entitled "An Act regulating the business of lending money in amounts of two Hundred Dollars (\$200) or less; requiring licensing of persons engaged in such business; prescribing certain rates; providing administration, procedure, powers, duties, examinations and investigations; prescribing penalties; and declaring an emergency."

To the Committee on Jurisprudence.

Senate Bill 422 on First Reading

The following local bill was introduced, read first time and referred to the committee indicated:

By Senator Schwartz:

S. B. No. 422, A bill to be entitled "An Act amending Sections 4 and 5 of Chapter 124, Acts of the 54th Legislature, Regular Session, 1955, to provide for a salary increase for the Criminal District Attorney for Galveston County; to authorize appointment of one (1) first assistant and four (4) additional assistants to the Criminal District Attorney of Galveston County; to authorize employment of three (3) secretaries to the Criminal District Attorney of Galveston County; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 423 on First Reading

Senator Schwartz moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis

Absent

Owen

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Schwartz:

S. B. No. 423, A bill to be entitled "An Act relating to the election, terms of office and representation of trustees in certain rural high school and consolidated independent school districts; and declaring an emergency."

To the Committee on Education.

Senate Concurrent Resolution 41

Senator Hazlewood offered the following resolution:

S. C. R. No. 41, Authorizing Clerk of House to make certain corrections in H. B. No. 59.

Whereas, House Bill No. 59 has been finally passed and is now in the House Engrossing and Enrolling Room; and

Whereas, There is a conflict in penalty between this Bill and the basic Act of which it is amendatory, the basic Act carrying the controlling penalty; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the Enrolling Clerk of the House be and is hereby, directed to delete Section 2a (c) from Section 1 of the bill, said Section 2a (c) carrying the penalty in conflict with the basic Statute.

The resolution was read.

On motion of Senator Hazlewood and by unanimous consent the resolution was considered immediately and was adopted.

**Conference Committee Report on
Senate Bill 68**

Senator Krueger submitted the following Conference Committee Report on S. B. No. 68:

Austin, Texas,
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Hon. James A. Turman, Speaker of the House of Representatives:

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 68, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

KRUEGER
BAKER
REAGAN
CREIGHTON
HERRING

On the part of the Senate.

COLE
COLLINS
DEWEY
HOLLOWELL
PIEREATT

On the part of the House.

S. B. No. 68,

**A BILL
To Be Entitled**

AN ACT providing for the licensing of by-product, source and special nuclear materials and the registration of other sources of ionizing radiation; authorizing the Governor of the State of Texas to enter into an agreement with the Atomic Energy Commission transferring from the Federal Government to the State of Texas certain regulatory powers; designating the Texas State Department of Health as the State Radiation Control Agency; establishing the Radiation Advisory Board; defining terms; prescribing penalties for violation thereof; permitting the development and utilization of sources of ionizing radiation for peaceful purposes consistent with the health and safety of the public; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Declaration of Policy. It is the policy of the State of Texas

in furtherance of its responsibility to protect the public health and safety:

(1) To institute and maintain a regulatory program for sources of ionizing radiation so as to provide for (a) compatibility with the standards and regulatory programs of the Federal Government, (b) a single, effective system of regulation within the state, and (c) a system consonant insofar as possible with those of other states; and

(2) To institute and maintain a program to permit development and utilization of sources of ionizing radiation for peaceful purposes consistent with the health and safety of the public.

Sec. 2. Purpose. It is the purpose of this Act to effectuate the policies set forth in Section 1 by providing for:

(1) A program of effective regulation of sources of ionizing radiation for the protection of the occupational and public health and safety;

(2) A program to promote an orderly regulatory pattern within the state, among the states and between the Federal Government and the state and facilitate intergovernmental cooperation with respect to use and regulation of sources of ionizing radiation to the end that duplication of regulation may be minimized; and

(3) A program to establish procedures for assumption and performance of certain regulatory responsibilities with respect to by-product, source and special nuclear materials; and

(4) A program to permit maximum utilization of sources of ionizing radiation consistent with the health and safety of the public.

Sec. 3. Definitions. (a) By-product material means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(b) Ionizing radiation means gamma rays and X-rays; alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(c) License—General and Specific.

(1) General license means a license effective pursuant to regulations promulgated by the Texas State Radiation Control Agency without the filing

of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing by-products, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

(2) Specific license means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing by-product, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

(d) Person means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than Federal Government Agencies licensed by the United States Atomic Energy Commission, or any successor thereto.

(e) Source materials means (1) uranium, thorium, or any other material which the Governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (2) ores containing one or more of the foregoing materials, in such concentration as the Governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(f) Special nuclear material means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Governor declares by order to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(g) Registration means notification of the Agency within thirty (30) days following the commencement of an activity involving the operation of ionizing radiation producing equipment

or the manufacture, use, handling or storage of radioactive material. Said notice shall state the location, nature, and scope of such operation, manufacture, use, handling or storage, and shall be reviewed and if necessary brought up to date annually thereafter. Acknowledgment of registration shall not imply the approval by the Agency but shall merely indicate that the Agency has a record of the locations and establishments where ionizing radiation producing equipment and/or radioactive materials are used, or stored.

(h) Excessive exposure means the exposure to ionizing radiation in excess of the maximum permissible levels as provided under rules or regulations adopted by the Texas State Board of Health.

Sec. 4. State Radiation Control Agency. (a) The Texas State Department of Health is hereby designated as the State Radiation Control Agency, hereinafter referred to as the Agency.

(b) The Commissioner of the Texas State Department of Health shall designate an individual to be Director of the Radiation Control Program, hereinafter referred to as the Director, who shall perform the functions vested in the Agency pursuant to the provisions of this Act.

(c) In accordance with the laws of the State of Texas, the Agency may employ, compensate, and prescribe the powers and duties of such individuals as may be necessary to carry out the provisions of this Act.

(d) The Agency shall for the protection of the occupational and public health and safety:

(1) Develop programs for evaluation of hazards associated with use of sources of ionizing radiation;

(2) Develop programs with due regard for compatibility with federal programs for regulation of by-product, source, and special nuclear materials;

(3) Formulate, adopt, promulgate and repeal codes, rules and regulations, which may provide for licensing, relating to control of sources of ionizing radiation with due regard for compatibility with the regulatory programs of the Federal Government. Rules and regulations shall not become effective until ninety (90) days after adoption by the State Radiation Control Agency;

(4) Issue such orders of modifica-

tions thereof as may be necessary in connection with proceedings under Section 6 of this Act;

(5) Advise, consult, and cooperate with other agencies of the state, the Federal Government, other states and interstate agencies, political subdivisions, and with groups concerned with control of sources of ionizing radiation;

(6) Have the authority to accept and administer loans, grants or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the Federal Government and from other sources, public or private;

(7) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of ionizing radiation; and

(8) Collect and disseminate information relating to control of sources of ionizing radiation, including:

a. Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions and revocations;

b. Maintenance of a file of registrants possessing sources of ionizing radiation requiring registration under the provisions of this Act and any administrative or judicial action pertaining thereto; and

c. Maintenance of a file of all rules and regulations relating to regulation of sources of ionizing radiation, pending or promulgated, and proceedings thereon.

Sec. 5. Radiation Advisory Board.

(a) There is hereby established a Radiation Advisory Board consisting of nine (9) members. The Governor shall appoint to the Board individuals as follows: one (1) from industry, who shall be trained in the field of nuclear physics, science and/or nuclear engineering, one (1) from labor, one (1) from agriculture, one (1) from insurance, one (1) from public safety, one (1) hospital administrator, and three (3) persons licensed by the Texas State Board of Medical Examiners specializing in: one (1) from nuclear medicine or physics, one (1) from pathology, and one (1) from radiology. Of the nine (9) members of the Board first appointed under the provisions of this Act, three (3) shall serve for a period of six (6) years; three (3) shall serve for a period of four (4) years; three (3) for a period of two (2) years, or until their suc-

cessors shall be appointed and shall have qualified, unless sooner removed for cause. After the expiration of the terms of the first appointees to the Board, the terms of all members shall be for six (6) years. Provided, members of the Board shall receive no salary for services but may be reimbursed for actual expenses incurred in connection with attendance at Board meetings or for authorized business of the Board.

(b) The Advisory Board shall:

(1) Review and evaluate policies and programs of the state relating to ionizing radiation.

(2) Make recommendations to the Texas State Radiation Control Agency and furnish such technical advice as may be required on matters relating to development, utilization and regulation of sources of ionizing radiation.

(3) Review proposed rules and regulations of the State Radiation Control Agency relating to use and control of sources of ionizing radiation to assure that such rules and regulations are consistent with rules and regulations of other agencies of the state and report its findings to the State Radiation Control Agency.

(4) A majority of the Board shall constitute a quorum for the transaction of business. The Board shall elect from its membership a Chairman, Vice-Chairman, and Secretary. A record of all meetings shall be kept and the Board shall meet at Austin, quarterly, on a date to be fixed by the Board, and shall hold such special meetings as may be called by the Commissioner of Health or any three (3) members of the Board. Such special meetings may be held at any designated place within the State of Texas as determined by the Commissioner of Health to best serve the purpose for which the special meeting is called. Timely notice of such special meetings shall be given to each member.

Sec. 6. Licensing and Registration of Sources of Ionizing Radiation. (a) The Texas State Radiation Control Agency shall provide by rule or regulation for general or specific licensing of by-product, source, special nuclear materials, or devices or equipment utilizing such materials. Such rules or regulations shall provide for amendment, suspension, or revocation of licenses. Such rules or regulations shall provide that:

(1) Each application for a specific

license shall be in writing and shall state such information as the Agency by rule or regulation may determine to be necessary to decide the technical, insurance and financial qualifications or any other qualification of the applicant as the Agencies or Agency may deem reasonable and necessary to protect the occupational and public health and safety. The Agency may at any time after the filing of the application and before the expiration of the license, require further written statements and may make such inspections as the Agency may deem necessary in order to determine whether the license should be granted or denied or whether the license should be modified, suspended or revoked. All applications and statements shall be signed by the applicant or licensee. The Agency may require any applications or statements to be made under oath or affirmation;

(2) Each license shall be in such form and contain such terms and conditions as the Agency may by rule or regulation prescribe;

(3) No license issued under the authority of this Act and no right to possess or utilize sources of ionizing radiation granted by any license shall be assigned or in any manner disposed of; and

(4) The terms and conditions of all licenses shall be subject to amendment, revision, or modification by rules, regulations or orders issued in accordance with the provisions of this Act.

(b) The Texas State Radiation Control Agency is authorized to require registration or licensing of other sources of ionizing radiation.

(c) The Texas State Radiation Control Agency is authorized to exempt certain sources of ionizing radiation or kinds of uses or users from the licensing or registration requirements set forth in this Section when the Agency makes a finding that the exemption of such sources of ionizing radiation or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

(d) Rules and regulations promulgated pursuant to this Act may provide for recognition of other state or federal licenses as the Texas State Radiation Control Agency shall deem desirable, subject to such registration requirements as the Agency may prescribe.

Sec. 7. Inspection. The Texas State Radiation Control Agency or their

duly authorized representatives shall have the power to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violations of the provisions of this Act and rules and regulations issued thereunder, except that entry into areas under the jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative.

Sec. 8. Records. (A) The Texas State Radiation Control Agency shall require each person who possesses or uses a source of ionizing radiation to maintain records relating to its utilization receipt, storage, transfer or disposal and such other records as the Agency may require subject to such exemption as may be provided by rules or regulations.

(b) The Texas State Radiation Control Agency shall require each person who possesses or uses a source of ionizing radiation to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by rules and regulations of the Agency. Copies of these records and those required to be kept by Subsection (a) of this Section shall be submitted to the Agency on request. Any person possessing or using a source of ionizing radiation shall furnish to each employee for whom personnel monitoring is required a copy of such employee's personal exposure record annually, at any time such employee has received excessive exposure, and upon termination of employment.

Sec. 9. Federal-State Agreements. (a) The Governor, on behalf of this state, is authorized to enter into agreements with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation and the assumption thereby by this state.

(b) Any person who, on the effective date of an agreement under Subsection (a) above, possesses a license issued by the Federal Government, shall be deemed to possess the same pursuant to a license issued under this Act, which shall expire either ninety (90) days after receipt from the Texas State Radiation Control Agency of a notice of expiration of such license, or on the date of expiration specified in the federal license, whichever is earlier.

Sec. 10. Inspection Agreements and Training Programs.

(a) The Texas State Radiation Control Agency is authorized to enter into, subject to the approval of the Governor, an agreement or agreements with the Federal Government, other states or inter-state agencies, whereby this state will perform on a cooperative basis with the Federal Government, other states or inter-state agencies, inspections or other functions relating to control of sources of ionizing radiation.

(b) The Texas State Radiation Control Agency may institute training programs for the purpose of qualifying personnel to carry out the provisions of this Act, and may make said personnel available for participation in any program or programs of the Federal Government, other states or interstate agencies in furtherance of the purposes of this Act.

Sec. 11. Conflicting Laws. Regulations, ordinances or resolutions, now or hereafter in effect, of other State Agencies, the governing body of a municipality or county or board of health relating to by-product, source and special nuclear materials shall not be superseded by this Act; provided, that such regulations, resolutions, or ordinances are and continue to be consistent with the rules and regulations promulgated by the Texas Radiation Control Agency under the provisions of this Act.

Sec. 12. Administrative Procedure and Judicial Review.

(a) In any proceeding under this Act:

(1) For the issuance or modifications of rules and regulations relating to control of sources of ionizing radiation; or

(2) For granting, suspending, revoking, or amending any license; or

(3) For determining compliance with or granting exceptions from rules and regulations of the Texas State Radiation Control Agency, the Agency shall afford an opportunity for a hearing before the Radiation Advisory Board on the record upon the request of any persons whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding. Upon the conclusion of such hearing, the findings and recommendations of the Radiation Advisory Board shall be reported to the Texas Radiation Control Agency.

(b) Whenever the Texas State Ra-

diation Control Agency finds that an emergency exists requiring immediate action to protect the public health and safety, the Agency may, without notice or hearing, issue a regulation or order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding any provision of this Act, such regulation or order shall be effective immediately. Any person to whom such regulation or order is directed shall comply therewith immediately, but on application to the Agency shall be afforded a hearing within ten (10) days. On the basis of such hearing, the emergency regulation or order shall be continued, modified or revoked within thirty (30) days after such hearing.

(c) Any final order entered in any proceeding under Subsections (a) and (b) above shall be subject to judicial review by any District Court of Travis County, Texas, in the manner prescribed.

Sec. 13. Injunction Proceedings. Whenever, in the judgment of the Texas State Radiation Control Agency, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or any rule, regulation or order issued thereunder, and at the request of the Agency, the Attorney General may make application to any District Court in Travis County for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing by the Agency that such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

Sec. 14. Prohibited Uses. It shall be unlawful for any person to use, manufacture, produce, transport, transfer, receive, acquire, own or possess any source of ionizing radiation unless licensed by or registered with the Texas State Radiation Control Agency in accordance with the provisions of this Act.

Sec. 15. Impounding of Materials. The Texas State Radiation Control Agency shall have the authority in the event of any emergency to impound or order the impounding of sources of ionizing radiation, in the possession of any person who is not equipped to observe or fails to observe the provisions of this Act or any rules

or regulations issued thereunder.

Sec. 16. Penalties. Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), and for the second or subsequent offense shall be subject to a fine of not less than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for a period of not more than one (1) year or both such fines and imprisonment.

Sec. 17. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provision or application of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

Sec. 18. Repeal. All laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 19. Effective Date. The fact that there is an ever increasing use of radioactive materials and ionizing radiation producing equipment in commerce and industry and in the diagnosis and treatment of human disease; and the further fact that the possession, use and transfer of radioactive materials and ionizing radiation producing equipment are inadequately regulated at this time; and the fact that the handling, possession, and transfer of such materials and equipment may damage and endanger the public health and welfare, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage and it is so enacted. The provisions of this Act relating to the control of by-product, source and special nuclear materials shall become effective on the effective date of the agreement between the Federal Government and this State as provided in Section 9 of this Act.

The report was read and was adopted by the following vote:

Yeas—29

Aikin
Baker

Calhoun
Colson

Creighton	Moore
Crump	Owen
Dies	Parkhouse
Fuller	Patman
Gonzalez	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Moffett	

Nays—1

Martin

Absent

Reagan

Resolution Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled resolution.

S. C. R. No. 34, Extending invitation to Ted Connell, Commander of Veterans of Foreign Wars, to address a Joint Session of the Legislature on Wednesday, March 29, 1961.

House Concurrent Resolution 20 on Second Reading

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 20, Directing the Board of Texas State Hospitals and Special Schools to enter into negotiations with the City of Big Spring for a new contract to cover increased demands for water for the Big Spring State Hospital.

The resolution was read.

Senator Martin offered the following amendment to the resolution:

Amend H. C. R. No. 20 by deleting the word "directed" in line 15; and changing it to the word "authorized."

The amendment was adopted.

The resolution, as amended, was then adopted.

Senate Bill 415 Ordered Not Printed

On motion of Senator Secrest and by unanimous consent S. B. No. 415 was ordered not printed.

**Committee to Escort
Mr. Ted Connell to Joint Session**

The President Pro Tempore announced the appointment of the following as committee pursuant to the provisions of S. C. R. No. 34 to escort Mr. Ted Connell to the Joint Session:

Senators Secrest, Krueger, Willis, Crump and Reagan.

Reports of Standing Committee

Senator Reagan by unanimous consent submitted the following reports:

Austin, Texas,
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 418, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Austin, Texas,
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 419, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Austin, Texas,
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 284, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

REAGAN, Chairman.

Austin, Texas,
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 285, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

REAGAN, Chairman.

Austin, Texas,
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 332, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

REAGAN, Chairman.

Austin, Texas,
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 357, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

REAGAN, Chairman.

Executive Session

On motion of Senator Dies and by unanimous consent, the Senate agreed to hold an Executive Session at 11:13 o'clock a.m. today.

Accordingly, the President Pro Tempore directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations:

To be a member of the Texas Animal Health Commission, for a six-year term to expire September 7, 1965: E. M. Regenbrecht of Bryan, Brazos County.

To be a member of the Board of Directors of Texas College of Arts and Industries, for a six-year term

to expire August 31, 1965: J. C. Martin, Jr., of Laredo, Webb County.

To be State Auditor of the State of Texas, for a term expiring February 15, 1963: C. H. Cavness of Austin, Travis County.

To be a member of the State Board of Examiners in the Basic Sciences, to fill the unexpired term of Dr. Aaron Seamster, resigned, term to expire July 23, 1961: Dr. Eb C. Girvin of Georgetown, Williamson County.

To be a member of the State Board of Examiners in the Basic Sciences, to fill the unexpired term of Brother Raphael Wilson, resigned, term to expire July 23, 1963: Dr. Tom P. Sergeant of San Antonio, Bexar County.

To be members of the State Board of Examiners in the Basic Sciences, for six-year terms to expire July 23, 1965: Dr. W. Mayne Longnecker of Dallas, Dallas County; Dr. Cornelia M. Smith of Waco, McLennan County.

To be Judge of the District Court of the 58th Judicial District, to fill the unexpired term of Judge Melvin Combs, resigned, effective April 1, 1961: Jack Brookshire of Beaumont, Jefferson County.

To be a member of the Texas Civil Judicial Council, for a six-year term to expire July 1, 1965: Richard M. Morehead of Austin, Travis County.

To be a member of the Texas Civil Judicial Council, for a six-year term to expire July 1, 1965: W. Marvin Watson of Daingerfield, Morris County.

To be Associate Justice of the Supreme Court of Texas, to fill the unexpired term of Judge Robert W. Calvert, resigned: Zollie Steakley of Austin, Travis County.

To be a member of the Board of Registration for Professional Engineers, for a six-year term to expire September 24, 1965: Robert E. Moore of Dallas, Dallas County.

To be a member of the Texas Industrial Commission, for a six-year term to expire February 15, 1965: Houston Harte of San Angelo, Tom Green County.

To be members of the Board of Directors of the Jackson County Flood Control District, for two-year terms

to expire May 1, 1961: Harrison Stafford of Edna, Jackson County; S. B. Allen of Edna, Jackson County; Ed Duenow of Lolita, Jackson County.

To be members of the Board of Directors of Jackson County Flood Control District, for four-year terms to expire May 1, 1963: Dr. C. M. Dugger of Edna, Jackson County; Chester Spencer of Ganado, Jackson County; C. S. Traylor of Port Lavaca, Calhoun County (mail address).

To be members of the Board of Directors of the Jackson County Flood Control District, for six-year terms to expire May 1, 1965: Arnold Koop of Edna, Jackson County; Allen L. Burditt of Edna, Jackson County; Arvle S. Elliott of Edna, Jackson County.

To be a member of the Board of Directors of the Jackson County Flood Control District, to fill the unexpired term of Arvle Elliott, resigned, term to expire May 1, 1965: W. C. Hollingsworth of Edna, Jackson County.

To be members of the Board of Regents of Lamar State College of Technology, for six-year terms to expire October 5, 1965: Garland F. Shepherd of Beaumont, Jefferson County; Fred Hartman of Baytown, Harris County; J. B. Morris of Beaumont, Jefferson County.

To be members of the Board of Regents of Midwestern University, for six-year terms to expire February 25, 1966: Curtis Renfro of Vernon, Wilbarger County; E. B. Clark, Sr., of Wichita Falls, Wichita County; Dr. W. R. White of Waco, McLennan County.

To be members of the Board of Regents of Midwestern University, for four-year terms to expire February 25, 1964: Beverly W. King, Jr., of Graham, Young County; Mrs. George T. Singleton of Wichita Falls, Wichita County; Jerry Vinson of Wichita Falls, Wichita County.

To be members of the Board of Regents of Midwestern University, for two-year terms to expire February 25, 1962: Ralph O. Harvey, Jr., of Wichita Falls, Wichita County; Dick Todd of Crowell, Foard County; Henry Ayres of Paris, Lamar County.

To be members of the State Board of Morticians, for six-year terms to expire May 31, 1965: C. V. Single-

ton of Seminole, Gaines County; Reuben A. Allison of Liberty, Liberty County.

To be a member of the State Board of Morticians, to fill the unexpired term of Howard Maxon, deceased, term to expire May 31, 1961: J. B. Ashcraft III of Harlingen, Cameron County.

To be a member of the Board of Trustees of the Municipal Retirement System, to fill the unexpired term of Frank Aldredge, and for a six-year term to expire December 31, 1966: M. M. Stripling of Nacogdoches, Nacogdoches County.

To be a Member of the Board of Trustees of the Municipal Retirement System, for a six-year term to expire December 31, 1966: Whitt Johnson of Houston, Harris County.

To be a member of the Board of Directors of the Upper Neches River Municipal Water Authority, for a six-year term to expire January 1, 1967: Lester Hamilton of Palestine, Anderson County.

To be members of the Board of Directors of the Nueces River Conservation and Reclamation District, for six-year terms to expire February 1, 1965: Clifton Anderson of Camp Wood, Real County; Briscoe King of Corpus Christi, Nueces County; M. L. Gaddis of Cotulla, LaSalle County; Alvin Morris of Crystal City, Zavala County; F. W. Pulliam of Crystal City, Zavala County; John Stahl of Carrizo Springs, Dimmit County; Charles T. Troell of Pleasanton, Atascosa County.

To be a member of the Board of Directors of the Nueces River Conservation and Reclamation District, to fill the unexpired term of Grady Mahaffey, resigned, term to expire February 1, 1963: George Horner of Uvalde, Uvalde County.

To be members of the State Board of Nurse Examiners, for six-year terms to expire April 9, 1965: Miss Lucile McCoy of Temple, Bell County; Miss Blanche McPeak of Corpus Christi, Nueces County.

To be members of the State Board of Vocational Nurse Examiners, for six-year terms to expire September 7, 1965: Mrs. Lena Mae Land of Brady, McCulloch County; Mrs. Winnie War-

hol of Marlin, Falls County; Mrs. Willie B. Robichaux of Beaumont, Jefferson County.

To be a member of the Board of Directors of the Neches River Conservation District, to fill the unexpired term of R. A. McAlister, deceased, term to expire September 5, 1963: C. N. Stroud of Palestine, Anderson County.

To be a member of the Board of Directors of the Runnels County Water Improvement District, for a six-year term to expire January 1, 1967: Eugene Kasberg of Miles, Runnels County.

To be a member of the Board of Directors of the Runnels County Water Improvement District, for a six-year term to expire January 1, 1967: A. L. Mitchell of Wingate, Runnels County.

To be a member of the Board of Directors of the Runnels County Water Improvement District, for a six-year term to expire January 1, 1967: John Bradley of Ballinger, Runnels County.

To be a member of the Board of Directors of the Runnels County Water Improvement District, to fill the unexpired term of J. B. Gladden, resigned, term to expire January 1, 1965: J. S. Bourn of Winters, Runnels County.

To be members of the Board of Directors of the Sabine River Authority, for six-year terms to expire July 6, 1965: Guy C. Cowser of Center, Shelby County; John Henry Minton of Hemphill, Sabine County; E. A. Meek of Newton, Newton County.

To be members of the State Board of Registration for Public Surveyors, for six-year terms to expire September 6, 1965: J. Stuart Boyles of Houston, Harris County; Staley W. Mims of Crockett, Houston County.

To be members of the State Seed and Plant Board, for a two-year term to expire October 6, 1962: Heino Staffel, Jr., Austin, Travis County.

To be a member of the State Seed and Plant Board, for a one-year term to expire October 6, 1960: Heino Staffel, Jr., of Austin, Travis County.

To be members of the Red River Authority of Texas, for two-year

terms to expire November 17, 1961: V. E. Dodson of Hereford, Deaf Smith County; Jerome Johnson of Amarillo, Potter County.

To be members of the Red River Authority of Texas, for four-year terms to expire November 17, 1963: W. A. Bond of Vernon, Wilbarger County; John R. (Dick) Fowler of Memphis, Hall County; John H. Anderson of Denison, Grayson County.

To be members of the Red River Authority of Texas, for six-year terms to expire November 17, 1965: Joe Leonard, Jr., of Gainesville, Cooke County; Tom Foley of Wichita Falls, Wichita County; Harry E. Frye of Shamrock, Wheeler County.

To be members of the Texas Real Estate Commission, for six-year terms to expire October 5, 1965: William J. Elliott of El Paso, El Paso County; V. P. Ringer of Houston, Harris County.

To be a member of the State Board of Plumbing Examiners, for a six-year term to expire May 28, 1965: R. G. Hughes of Pampa, Gray County.

To be members of the Texas Turnpike Authority, for six-year terms to expire February 15, 1965: Dr. R. H. W. Drechse of Fort Worth, Tarrant County; Clyde R. Ashworth of Arlington, Tarrant County.

To be a member of the Board of Directors of the Trinity River Authority, for a six-year term to expire March 15, 1965: F. Morris Sneed of Fairfield, Freestone County.

To be a member of the Board of Directors of the Trinity River Authority, for a six-year term to expire March 15, 1965: Lamar Hamilton of Palestine, Anderson County.

To be members of the San Jacinto State Park Commission, for two-year terms to expire May 23, 1961: W. N. Blanton, Sr., of Houston, Harris County (designated Chairman); W. T. Kendall of Houston, Harris County; Mrs. H. Raymond Hagan of Houston, Harris County.

To be a member of the State Board of Registration for Professional Engineers, to fill the unexpired term of W. M. Andrews, deceased, term to expire September 24, 1963: Douglas Ragland of Houston, Harris County.

To be a member of the Board of Directors of the Upper Colorado River Authority, for a six-year term to expire January 1, 1967: Dr. D. V. Phillips of San Angelo, Tom Green County.

To be a member of the Board of Directors of the Upper Colorado River Authority, for a six-year term to expire January 1, 1967: G. C. Allen of Robert Lee, Coke County.

To be members of the Board of Directors of the Trinity River Authority, for six-year terms to expire March 15, 1965: W. W. Lynch of Dallas, Dallas County; L. H. True of Dallas, Dallas County.

To be members of the Joint Board of Park Commissioners, for two-year terms to expire June 29, 1962: O. B. English of Dallas, Dallas County; Charles C. Pierce of Dallas, Dallas County; W. R. (Fritz) Hawn of Dallas, Dallas County.

To be a member of the State Board of Registration for Professional Engineers, for a six-year term to expire September 24, 1965: Uel Stephens of Fort Worth, Tarrant County.

To be a Member of the Board of Directors of the Upper Colorado River Authority, for a six-year term to expire January 1, 1967: Henry Teplcek of Rowena, Runnels County.

To be a member of the State Board of Chiropractic Examiners, for a six-year term to expire August 11, 1965: Dr. A. V. Johnson of Midland, Midland County.

To be members of the Burial Association Rate Board, for six-year terms to expire June 12, 1965: J. E. Keever of Ennis, Ellis County (deceased); Byron Crosier of Cleburne, Johnson County.

To be a member of the Board of Directors of the Sabine River Authority, to fill the unexpired term of B. B. Rabb, resigned, term to expire July 6, 1963: Gus Orsborn of Point, Rains County.

To be a member of the Sabine River Compact, for a two-year term to expire September 10, 1961: J. Ross Hopkins of Carthage, Panola County.

To be a member of the Sabine River Compact, for a two-year term to expire September 10, 1962: Henry L.

Woodworth of Orange, Orange County.

To be members of the Board of Directors of Texas Technological College, for six-year terms to expire February 19, 1965: Jim Lindsey of Midland, Midland County; Manual DeBusk of Dallas, Dallas County; Wilmer Smith of Wilson, Lynn County.

To be a member of the Board of Directors of the Neches River Conservation District, to fill the unexpired term of Dr. Joe Dickerson, resigned, term to expire September 5, 1963: Thomas L. Carter of Camden, Polk County.

To be members of the Board of Directors of the Neches River Conservation District, for six-year terms to expire September 5, 1965: J. B. Sallas of Crockett, Houston County; Dr. J. M. Travis of Jacksonville, Cherokee County; Victor B. Fain of Nacogdoches, Nacogdoches County.

To be a member of the Liquor Control Board, for a six-year term to expire November 15, 1965: Wilson Heard, Jr., of Refugio, Refugio County.

To be members of the Advisory Hospital Council, for six-year terms to expire July 17, 1965: Phil Carter of Lubbock, Lubbock County; Mrs. Roland Blumberg of Seguin, Guadalupe County; Dr. R. L. Daily of Wichita Falls, Wichita County; O. Ray Hurst of Austin, Travis County.

To be a member of the Advisory Hospital Council, to fill the unexpired term of Forrest G. Sears, deceased, term to expire July 17, 1961: L. N. Yeager of Navasota, Grimes County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 11:30 o'clock a.m.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 334, To the Committee on State Affairs.

Message from the House

Hall of the House of Representatives,

Austin, Texas,
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 70, Instructing the Chief Clerk of the House to return H. B. No. 396 to the Senate for further consideration.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
March 29, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 422, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Motion to Adjourn

Senator Hardeman moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow subject to the Joint Session to hear Mr. Ted Connell.

Joint Session

(To hear the address of
Mr. Ted Connell)

The President announced at 11:30 o'clock a.m. that the time had arrived pursuant to the provisions of S. C. R. No. 34 for the Joint Session to hear the address of Mr. Ted Connell, National Commander of Veterans of Foreign Wars.

The President Pro Tempore of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 11:30 a.m.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The President Pro Tempore was

invited to occupy a seat on the Speaker's Stand.

The President Pro Tempore called the Senate to order, and announced a quorum of the Senate present.

Honorable James Turman, Speaker of the House of Representatives, called the House to order, and announced a quorum of the House present and the purpose of the Joint Session.

Mr. Connell and party, accompanied by Governor Price Daniel, were announced by the Doorkeeper of the House.

Mr. Connell's party was escorted to the Speaker's rostrum by Senators Secrest, Krueger, Willis, Crump and Reagan, on the part of the Senate, and Representatives Percy, Johnson of Bell, Barfield, Boysen and Yezak, on the part of the House.

The President Pro Tempore presented Senator Secrest. Senator Secrest introduced Mrs. Connell and Mr. and Mrs. Paul Goode, friends of the Connells' to the Joint Session. He also presented a group of friends and sponsors of Mr. Connell from Killeen who were guests to the Joint Session.

Senator Secrest then presented His Excellency, Price Daniel, Governor of Texas, to the Joint Session. Governor Daniel introduced the Honorable Ted Connell, National Commander of the Veterans of Foreign Wars from Killeen, Texas, to the Joint Session.

Mr. Connell then addressed the Joint Session.

Adjournment

The President Pro Tempore announced at the conclusion of the Joint Session that the Senate at 12:07 o'clock p.m. would stand adjourned until 10:30 o'clock a.m. tomorrow.

Welcome Resolutions

S. R. No. 268, By Senator Reagan: Extending welcome to students, teachers and sponsors of W. B. Ray High School of Corpus Christi.

S. R. No. 269, By Senator Moore: Extending welcome to group of Explorer Scouts of Mexia.

S. R. No. 270, By Senator Kazen: Extending welcome to students, teach-

ers and sponsors of Santa Rosa de Lima Catholic School of Benavides.

S. R. No. 271, By Senator Herring: Extending welcome to students and teachers of Bastrop High School.

FORTY-FOURTH DAY

(Thursday, March 30, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"We thank Thee, our Father, that while we were sinners Christ died for us. Now may the love of God, the communion and fellowship of Thy Holy Spirit, keep our hearts through this day; and at its close, 'Behold, how good and how pleasant it is for brethren to dwell together in unity.' We pray in Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 148, Amending Article 9 of Chapter 492, Acts of the 52nd Legislature, 1951, which is codified as